

1 BILL NO. Z-85- 07-23

2 ZONING MAP ORDINANCE NO. Z- 10-85

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. E-2.

5
6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
7 WAYNE, INDIANA:

8 SECTION 1. That the area described as follows is hereby
9 designated an RA (Suburban Residential) District under the terms of
10 Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

11 Lot #9, excluding the West 320 feet and
12 Lot #10 of Pavey's Addition

13 and the symbols of the City of Fort Wayne Zoning Map No. E-2, as established
14 by Section 11 of Chapter 33 of the Code of the City of Fort Wayne,
15 Indiana are hereby changed accordingly.

16 SECTION 2. That this Ordinance shall be in full force
17 and effect from and after its passage and approval by the Mayor.

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19 
20 COUNCILMEMBER

21 APPROVED AS TO FORM AND LEGALITY:

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23 BRUCE O. BOXBERGER, CITY ATTORNEY
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Read the first time in full and on motion by Redd, seconded by Salmon, and duly adopted, read the second time by title and referred to the Committee Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.

DATE: 7-23-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd, seconded by Salmon, and duly adopted, placed on its passage. PASSED ~~(LOST)~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>EISBART</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 9-10-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-10-85

on the 10th day of September, 1985,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of September, 1985, at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of September, 1985, at the hour of 4:00 o'clock P. M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

check # 4399 **RECEIPT**

COMMUNITY DEVELOPMENT & PLANNING

No 12015

FT. WAYNE, IND., 6-5 1985RECEIVED FROM Allen Co. Bank & Trust \$ 50.00THE SUM OF Fifty & 00/100 100 DOLLARSON ACCOUNT OF Rezon. 149 - 1419 Getz
R1 to RAB. Steele

AUTHORIZED SIGNATURE

PETITION FOR 'ZONING' ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

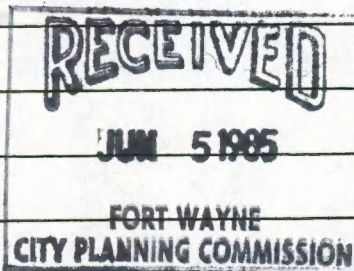
THIS IS TO BE FILED IN DUPLICATE

I/We Allen County Bank and Trust Company

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an RA District the property described as follows:

lot 9 excluding the west 320 feet and lot 10 of Pavey's Addition to the City of Fort Wayne as shown on the attached legal description



(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 1419 Getz Road - Ft. Wayne, IN

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Paul C. Raver, Sr. (PAUL C. RAVEN, SR.)

DIRECTOR ALLEN CO. BK. & TRUST CO. HEO, IND.

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____ (OFFICE USE ONLY)

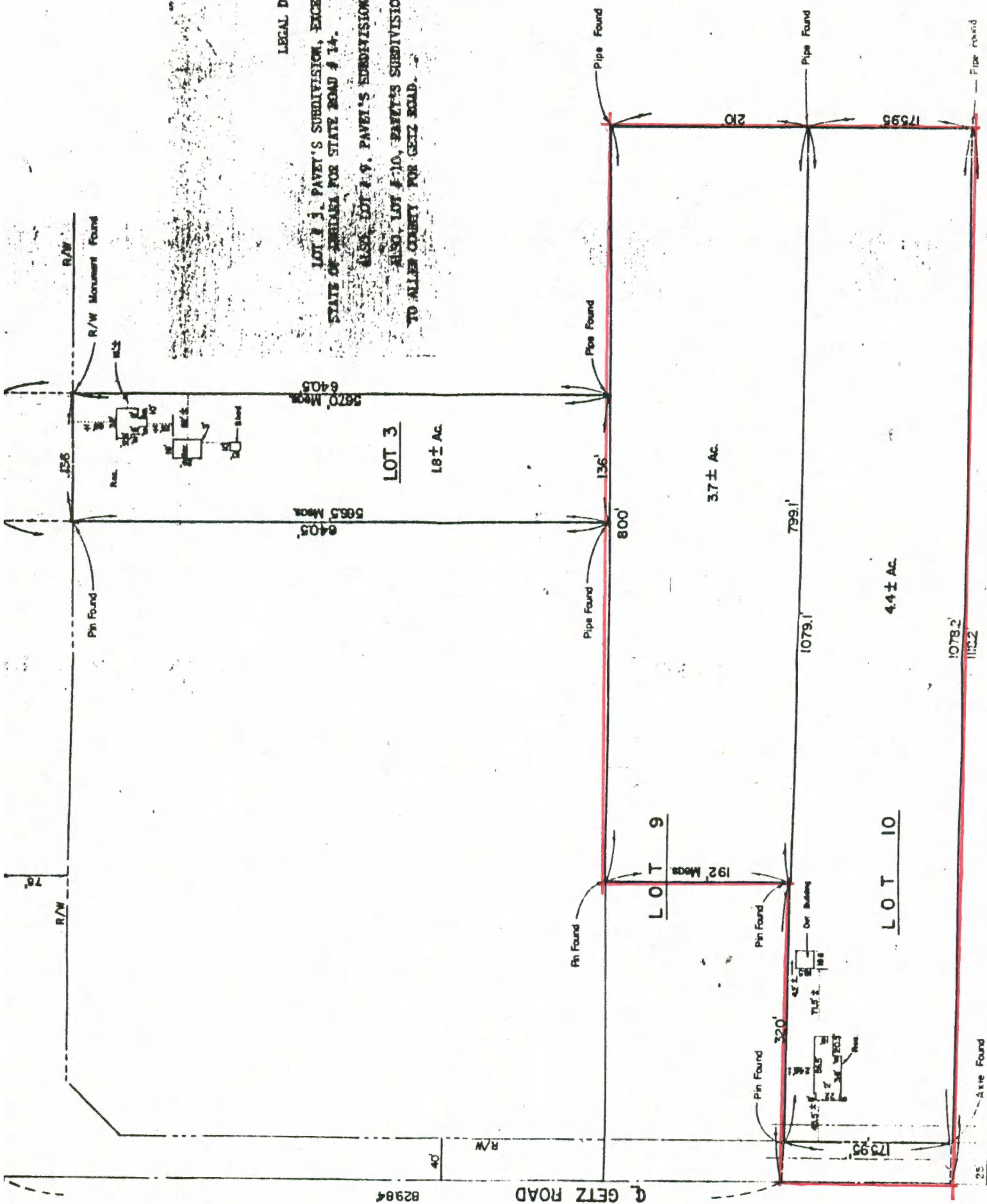
NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent. 520 S. CALHOUN
PAUL C. RAVEN, SR., DIRECTOR & ATTY FOR PETITIONER FT. WAYNE IN 46802
(Name) (Address & Zip Code) (Telephone Number)
(219) 424-1333

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.



JOSEPH

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 23, 1985, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-07-23; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 15, 1985;

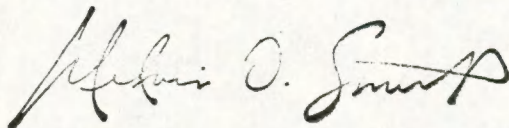
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 22, 1985.

Certified and signed this
22nd day of August 1985.



Melvin O. Smith
Secretary

STATE OF INDIANA)
COUNTY OF ALLEN) SS:
COPY

85-22552

AFFIDAVIT

Comes now Saundra E. Williams, and first being duly sworn upon her oath, doth state that she has knowledge of the following facts which are true:

1. That your affiant is President of Allen County Bank and Trust Company, a banking corporation organized and existing pursuant to the laws of the State of Indiana.

2. That the aforesaid Bank owns the real estate which is the subject of Rezoning Request No. Z-85-07-23, the said real estate being commonly known as 1149 Getz Road, Fort Wayne, Allen County, Indiana.

3. That your affiant has the authority pursuant to the Board of Directors of the aforesaid Bank to make this Affidavit to induce the City Plan Commission of Fort Wayne, Indiana as well as the City Council of the City of Fort Wayne, Indiana to grant the aforesaid rezoning request.

4. That the subject Bank promises and covenants with the City Plan Commission of Fort Wayne, Allen County, Indiana and the City Council of Fort Wayne, Allen County, Indiana, that if the aforesaid Rezoning Request is approved that the said Bank and any and all successors in interest to the said Bank shall not remonstrate against or otherwise in any way object to, or commence or otherwise be a part of, any legal proceedings to prevent any action taken by the City of Fort Wayne or the Allen County Drainage Board of Allen County, Indiana to effectuate any improvement undertaken by the said City or the said County as to Lawrence Drain in Fort Wayne, Allen County, Indiana and the said commitment includes the repair, construction, reconstruction or any other improvements to the said Lawrence Drain.

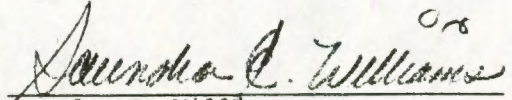
5. That this Affidavit is being made to induce the City Plan Commission of Fort Wayne, Allen County, Indiana and the

ALLIANCE COUNTY CLERK
JAN 10 1986

City Council of Fort Wayne, Allen County, Indiana to approve Rezoning Request No. Z-85-07-23.

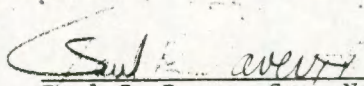
6. That this Affidavit and the promises and covenants contained herein shall be binding upon any and all successors in interest of Allen County Bank and Trust Company to the afore-described real estate and shall be, at the aforesaid City Plan Commission's option, recorded with the Office of the Recorder of Allen County, Indiana.

FURTHER AFFIANT SAYETH NAUGHT.


Sandra E. Williams

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 7 day of August, 1985.


Paul C. Raver, Sr., Notary Public
Resident of DeKalb County Indiana

My Commission Expires:

January 20, 1988

FACT SHEET

Bill No. Z-85-07-23

BILL NUMBER**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

1419 Getz Road

Reason for Project

Multi-family development

Discussion (Including relationship to other Council actions)July 15, 1985 - Public Hearing

Paul Raver, attorney representing the petitioner stated that this is approximately 8 acres. He stated they wanted the rezoning in order to put in an apartment project on the land. He stated that the land is being sold by Allen County Bank subject to the property being rezoned. Mr. Raver quoted the Comprehensive Plan which shows this area as a good location for medium density residential.

Duane Embury asked what type of apartments and what the density would be.

Mr. Raver stated that they have not decided on the type of development. He stated they would try to give the Commission more information on the development at the Business Meeting. He stated they wanted first to see if they could get the property rezoned before they went to the expense of preparing specific plans.

Duane Embury pointed out that this property would be draining into the Lawrence Drain.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

City Department

Other

Opponents**Groups or Individuals**

Frank Welby/1606 Getz Road
Harry Jacobs/1511 Getz Road
Basis of Opposition

-added traffic congestion
-detriment to residential area
-added pressure on sewers

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

He questioned if the developers would be willing to agree to not remonstrate against the Lawrence Drain petition.

Mr. Raver stated that they would be willing to provide acceleration and deceleration lanes. He stated that they would be willing to participate in sidewalks along Getz Road. He stated that they feel strongly that apartments in this location would serve as a good buffer.

July 22, 1985 - Business Meeting

Motion to approve the rezoning. Of the 9 members present 8 voted in favor of the DO PASS, one did not vote, motion carried.

The following conditions were placed upon the approval:

1) A non-remonstration agreement, regarding Lawrence Drain improvements must be filed.

2) Sanitary sewer must be extended to serve the property.

Duane Embury received and had recorded an affidavit stating that the petitioners or any and all successors will agree not to remonstrate against the improvements to the Lawrence Drain.

Mr. Embury stated in a memo that the question of sanitary sewers to serve the area would be addressed at the time the development plan was reveiwed.

A copy of the affidavit is attached to the original rezoning and on file in City Plan.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date June 5, 1985

Projected Completion or Occupancy

Date August 22, 1985

Fact Sheet Prepared by

Patricia Biancaniello

Date

August 22, 1985

Reviewed by

Gary E. Baeten
Gary E. Baeten, Senior Planner

Date

August 23, 1985

Reference or Case Number

ORIGINAL

TITLE OF ORDINANCE Zoning Map Amendment

3-85-07-23

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Lot #9, excluding the West 320 feet and Lot #10

of Pavey's Addition, commonly known as 1419 Getz Road.

EFFECT OF PASSAGE Property is now zoned R-1 - Single Family Residential.

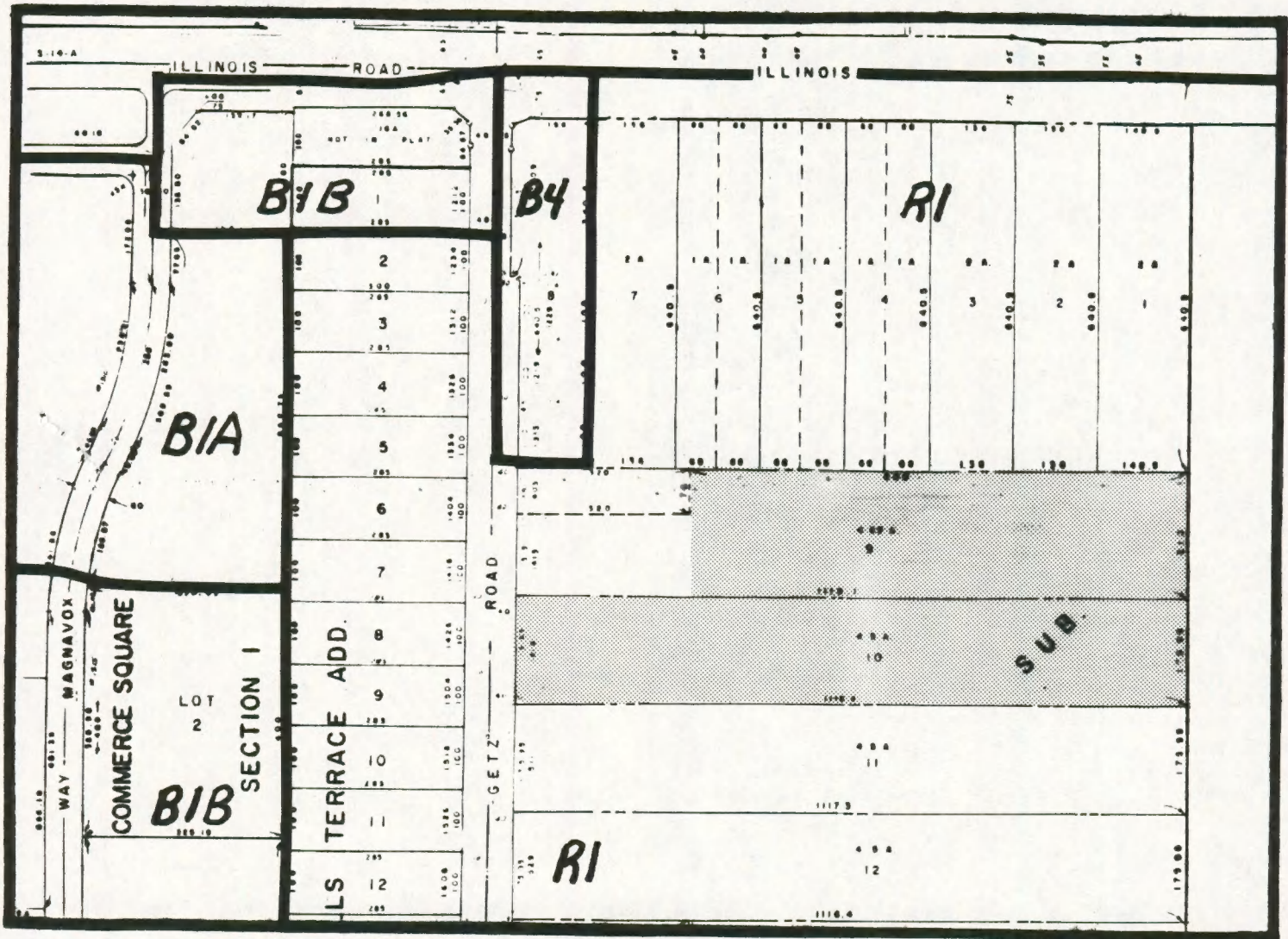
Property will become RA - Suburban Residential.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____

LOCATION MAP FOR 1419 GETZ RD.

Zoning:Land Use:

- RI RESIDENTIAL DISTRICT
 B1B LIMITED BUSINESS 'B'
 B4 ROADSIDE BUSINESS
 BIA LIMITED BUSINESS 'A'

Bill No. Z-85-07-23



BILL NO. Z-85-07-23

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort

Wayne Zoning Map No. E-2

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(~~RESOLUTION~~)

YES

NO

Charles B. Redd
CHARLES B. REDD
CHAIRMAN

Janet G. Bradbury
JANET G. BRADBURY
VICE CHAIRWOMAN

James S. Stier
JAMES S. STIER

Ben A. Eisbart
BEN A. EISBART

Donald J. Schmidt
DONALD J. SCHMIDT

CONCURRED IN 9-10-85

SANDRA E. KENNEDY
CITY CLERK